

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

RECEIVED

☐ Eastern (Jackson) DIVISION

☒ Western (Memphis) DIVISION

JUL 13 2023

Tara Dearbone

Plaintiff,

vs.

United Airlines

Defendant.

Wendy R Oliver, Clerk  
U.S. District Court  
W.D. OF TN, Memphis

No. \_\_\_\_\_

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):

☐

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

**NOTE:** In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

☒

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

**NOTE:** In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

**JURISDICTION**

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

**PARTIES**

3. Plaintiff resides at:

4983 Jeff Drive

STREET ADDRESS

Shelby, TN, 38109, 225-572-5879  
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

United Airlines

STREET ADDRESS

Cook, Chicago, IL, 60606  
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

---

---

---

---

---

---

5. The address at which I sought employment or was employed by the defendant(s) is:

United Airlines- Memphis International Airport - 2491 Winchester Rd  
Memphis, TN 38116

STREET ADDRESS

Shelby, Memphis, TN, 38116  
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes (*check only those that apply*)

- ☐ Failure to hire
- ☒ Termination of my employment
- ☐ Failure to promote
- ☒ Failure to accommodate my disability
- ☐ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☐ Other acts(*specify*): \_\_\_\_\_

**NOTE:** *Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.*

7. It is my best recollection that the alleged discriminatory acts occurred on:

August 1, 2022  
Date(s)

8. I believe that the defendant(s) (*check one*):

- ☐ is still committing these acts against me.
- ☒ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:  
(*check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.*)

☐ Race \_\_\_\_\_

☐ Color \_\_\_\_\_

☐ Gender/Sex \_\_\_\_\_

☐ Religion \_\_\_\_\_

☐ National Origin \_\_\_\_\_

☒ Disability Injured on the job

☐ Age. If age is checked, answer the following:  
I was born in \_\_\_\_\_. At the time(s) defendant(s) discriminated against me.

I was [ ] more [ ] less than 40 years old. (check one)

**NOTE:** Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

Please see attached facts.

(Attach additional sheets as necessary)

**NOTE:** As additional support for your claim, you may attach to this complaint a copy of the

*charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.*

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: February 22, 2023
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: October 2, 2022  
Date

**Only litigants alleging age discrimination must answer Question #13.**

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. (*check one*):

- ☐ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission (*check one*):

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I received on April 14, 2023  
Date

**NOTE:** *This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.*

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

**NOTE:** *You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.*

16. I would like to have my case tried by a jury:

- ☒ Yes
- ☐ No

**WHEREFORE**, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☐ order other equitable or injunctive relief as follows: \_\_\_\_\_
- \_\_\_\_\_
- ☐ direct that Defendant pay Plaintiff back pay in the amount of \_\_\_\_\_ and interest on back pay;
- ☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \$ 300,000.00
- \_\_\_\_\_

*Jara Dearbone*

SIGNATURE OF PLAINTIFF

Date: July 12, 2023

4983 Jeff Drive

Address

Memphis, TN 38109

225-572-5879


Phone Number



### Facts of case for Tara Dearbone

1. On March 28, 2022, I was hired by the above-named Respondent as a Customer Service Representative. On July 28, 2022, I was injured while I was performing my duties which caused a workplace injury. I went to the doctor on Friday, July 29, 2022, and I was placed off work on bed rest from July 29, 2022 through August 5, 2022, for disability related treatments with temporary work restrictions.
2. 1<sup>st</sup> TRAINING: I was not informed until Sunday evening, June 26, 2022, by Kesneil Clark (General Manager) that I was scheduled for training on Monday, June 27, 2022 at 11:00 that morning. I was requesting to work for another employee and that is when Ms. Clark informed me that I was supposed to be in training that day. No other managers informed me of training and GM Clark stated that everyone had been so busy that they forgot. She told me that she would reschedule me.
3. 2<sup>nd</sup> TRAINING: On Monday, July 11th, Ms. Clark informed me about a training that began on August 1st at 6:00 in the evening. I agreed to the August 1st class. On Monday morning, August 1st, around 9:30, Ms. Clark called me and said that the class had been canceled and they wanted to put me in the 11 o'clock class that morning. I told her that even though I was on bedrest, I had my computer at home with the camera and I was ready to be trained. She informed me that I had to come to the airport for training and that was not possible, since I was on bed rest. I reminded her that my co-worker that started work the same day with me had recently finished his training from home. She still said that I had to complete the assigned training at the airport. I asked her what my next option was and when was the next class and she said that she did not know because she could not see the September schedule. She stated that she had to have a status update on my training for her August meeting. She then proceeded to tell me that I needed to put in my two weeks' notice. I asked why and she stated that I had to have some certified training to stay at United. I told her that I was not considering resigning and I was concerned about my health.
4. 3<sup>rd</sup> TRAINING: I submitted my written letter regarding my work injury and the same day that General Manager Clark submitted my Worker's Comp Claim, she scheduled me for training on August 29, 2022, and required me to be physically present for the training. I was sick on the day that I was scheduled for training and I did email and leave a voicemail for General Manager Clark.
5. I submitted by email my weekly therapy appointments and work activity reports to General Manager Clark and the Sedgwick Claims Adjuster. The work status was to work modified activity and should be sitting 90% of the time. I was not accommodated to return to work as it was stated that there was no light duty and I began receiving checks for periods from August 11, 2022-August 28, 2022 for temporary disability. I am aware of at least one employee who was allowed to attend the training virtually. On September 19, 2022, Kesneil Clark (General Manager) discharged me for failing to complete required virtual training. I have been discriminated against because of my disability and retaliated against for taking disability related leave, in violation of the Americans with Disabilities Act Amendments Act of 2008.

Tara Dearbone

  
Tara Dearbone  
4983 Jeff Drive  
Memphis, TN 38109